

REMARKS

Applicant would like to thank the Examiner for the detailed remarks. Claims 1, 10, 13, and 31 have been amended. Claims 7-9 have been cancelled and new claims 35-38 are presented.

With regard to the restriction requirement of the present Office Action, Applicant confirms the election of Group I, claims 1, 4-13 and 31-33. Claims 14-19, 21, 23-25 and 34 are hereby withdrawn from consideration.

Claim 31 was rejected under §112, second paragraph as depending from a cancelled claim. Applicant hereby amends claim 31 to depend from claim 5 rather than claim 3 and respectfully submits that the rejection should now be withdrawn.

Claim 10 was objected to on the basis that a redundant term in the claim. Claim 10 is amended herewith to correct the redundancy as the Examiner suggested.

Claims 1, 4-8, 10-12, 31 and 33 were rejected under §102(b) as being anticipated by Jademus. Respectfully, the subject matter previously set forth in dependent claim 9 has been incorporated into independent claim 1. Claim 9 is not subject to the instant rejection and Applicant therefore submits that the rejection should be withdrawn.

The subject matter of claim 9 was rejected under §103(a) as being unpatentable over Jademus. The Examiner argues that aromatic polyamides are well known in the fuel hose art for providing barrier properties and it would therefore have been obvious to adjust the result-effective variable of the amount of aromatic polyamide present in order to optimize such properties. Respectfully, the Examiner appears to misstate the subject matter of the claims to make it sound as if the amount, i.e., volume or weight percentage, of aromatic polyamide is the parameter being adjusted. However, as described in the present application (e.g., see page 3, line 25 to page 4, line 6), the percentage of amide groups attached to aromatic rings relates to the chemical structure of the aromatic polyamide rather than the total amount of aromatic polyamide present as the Examiner seems to suggest. Therefore, the rejection appears to rely on a different parameter than is claimed and is therefore improper. Further, if it is the Examiner's contention that the claimed feature of "at least 50% of the amide groups are attached to aromatic rings" is known as a result-effective variable, Applicant requests the Examiner to provide a supporting

reference on the basis that the cited Jademus reference does not appear to explicitly support such a conclusion. Accordingly, Applicant respectfully submits that the rejection should be withdrawn.

New claims 35-38 present additional features that Applicant believes are neither disclosed nor suggested by the cited reference. As an example, claims 35-37 recite example materials that can be used for the intermediate thermoplastic layer recited in claim 5. The Examiner pointed to a list of intermediate barrier layers in the Jademus reference (column 5, lines 1-6) but the cited list does not seem to include the specific materials in claims 35-37 filed herewith. Additionally, Applicant notes that the Examiner has taken official notice with regard to claim 13 that is universally known to provide corrugation to the exterior of hoses in order to increase flexibility. Amended claim 13 recites that the inner layer is non-corrugated. Thus, although corrugation may generally be known, the cited reference does not disclose a corrugated outer layer and a non-corrugated inner layer. Further, the cited reference also does not appear to disclose alternating corrugated and non-corrugated sections as in new claim 38. For these reasons, Applicant respectfully submits that the newly added claims are independently allowable.

Please charge Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

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